

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

JORGE CLEMENT ROSCO, III

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NO. 3:18-CR-157.2

ORDER

Magistrate Judge C. Clifford Shirley, Jr. filed a report and recommendation, recommending that the Court: (1) grant the oral motion of the parties to amend the indictment by substituting the name Jorge Clement Rosco, III for Roscoe Jorge Clement, III; (2) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (3) grant Defendant's motion to withdraw his not guilty plea to Count One of the Indictment; (4) accept Defendant's plea of guilty to the lesser included offense in Count One, that is, of conspiracy to distribute more than 50 kilograms of a mixture and substance containing a detectable amount of marijuana in violation of 21 U.S.C. § 846, 841(a)(1), and 841(b)(1)(C); (5) adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment; and (6) find that Defendant remain out on release until sentencing in this matter because of defendant's exceptional compliance with his release conditions and supervision, his exceptional efforts regarding his sobriety (one and a half years sober plus regular Alcoholics Anonymous and Narcotics Anonymous attendance) and his exceptional employment efforts (working two

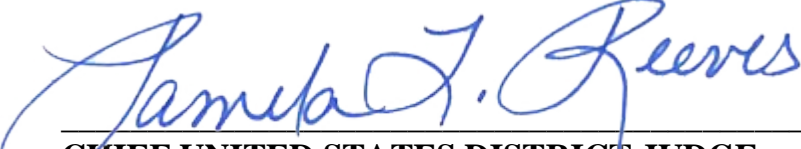
full time jobs) coupled with his exceptional care for his mother and her dire health conditions combined with the COVID-19 Pandemic and the risks it poses to the guard and prison populations, all considered together is sufficient exceptional reason why detaining defendant pending sentencing would be inappropriate and comes under exceptional reasons for continued release under the Mandatory Detention Act. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [D. 159] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) The oral motion to amend the indictment is **GRANTED**;
- (2) As set forth on the record, Defendant's plea hearing could not be further delayed without serious harm to the interests of justice;
- (3) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (4) Defendant's plea of guilty to the lesser included offense in Count One, that is, of conspiracy to distribute more than 50 kilograms of a mixture and substance containing a detectable amount of marijuana in violation of 21 U.S.C. § 846, 841(a)(1), and 841(b)(1)(C), is **ACCEPTED**;
- (5) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Indictment;

(6) Defendant **SHALL REMAIN ON RELEASE** until sentencing in this matter which is scheduled to take place on **February 1, 2021 at 10:00 a.m. in Knoxville** before the Honorable Pamela L. Reeves, Chief United States District Judge.

SO ORDERED.

ENTER:



CHIEF UNITED STATES DISTRICT JUDGE